

## Securities and Exchange Commission

## § 210.1-01

### BANK HOLDING COMPANIES

- 210.9-01 Application of §§ 210.9-01 to 210.9-07.
- 210.9-02 General requirement.
- 210.9-03 Balance sheets.
- 210.9-04 Income statements.
- 210.9-05 Foreign activities.
- 210.9-06 Condensed financial information of registrant.
- 210.9-07 [Reserved]

### INTERIM FINANCIAL STATEMENTS

- 210.10-01 Interim financial statements.

### PRO FORMA FINANCIAL INFORMATION

- 210.11-01 Presentation requirements.
- 210.11-02 Preparation requirements.
- 210.11-03 Presentation of financial forecast.

### FORM AND CONTENT OF SCHEDULES

#### GENERAL

- 210.12-01 Application of §§ 210.12-01 to 210.12-29.
- 210.12-02—210.12-03 [Reserved]
- 210.12-04 Condensed financial information of registrant.
- 210.12-05—210.12-08 [Reserved]
- 210.12-09 Valuation and qualifying accounts.
- 210.12-10—210.12-11 [Reserved]

### FOR MANAGEMENT INVESTMENT COMPANIES

- 210.12-12 Investments in securities of unaffiliated issuers.
- 210.12-12A Investments—securities sold short.
- 210.12-12B Open option contracts written.
- 210.12-13 Investments other than securities.
- 210.12-14 Investments in and advances to affiliates.
- 210.12-15 Summary of investments—other than investments in related parties.
- 210.12-16 Supplementary insurance information.
- 210.12-17 Reinsurance.
- 210.12-18 Supplemental information (for property-casualty insurance underwriters).

### FOR FACE AMOUNT CERTIFICATE INVESTMENT COMPANIES

- 210.12-21 Investments in securities of unaffiliated issuers.
- 210.12-22 Investments in and advances to affiliates and income thereon.
- 210.12-23 Mortgage loans on real estate and interest earned on mortgages.
- 210.12-24 Real estate owned and rental income.
- 210.12-25 Supplementary profit and loss information.
- 210.12-26 Certificate reserves.
- 210.12-27 Qualified assets on deposit.

### FOR CERTAIN REAL ESTATE COMPANIES

- 210.12-28 Real estate and accumulated depreciation.
- 210.12-29 Mortgage loans on real estate.

AUTHORITY: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77z-2, 77z-3, 77aa(25), 77aa(26), 78c, 78j-1, 78l, 78m, 78n, 78o(d), 78q, 78u-5, 78w(a), 78l, 78mm, 79e(b), 79j(a), 79n, 79t(a), 80a-8, 80a-20, 80a-29, 80a-30, 80a-37(a), 80b-3, 80b-11 unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 210 appear at 57 FR 36501, Aug. 13, 1992 and 57 FR 47409, Oct. 16, 1992.

### ATTENTION ELECTRONIC FILERS

THIS REGULATION SHOULD BE READ IN CONJUNCTION WITH REGULATION S-T (PART 232 OF THIS CHAPTER), WHICH GOVERNS THE PREPARATION AND SUBMISSION OF DOCUMENTS IN ELECTRONIC FORMAT. MANY PROVISIONS RELATING TO THE PREPARATION AND SUBMISSION OF DOCUMENTS IN PAPER FORMAT CONTAINED IN THIS REGULATION ARE SUPERSEDED BY THE PROVISIONS OF REGULATION S-T FOR DOCUMENTS REQUIRED TO BE FILED IN ELECTRONIC FORMAT.

### APPLICATION OF REGULATION S-X (17 CFR PART 210)

#### § 210.1-01 Application of Regulation S-X (17 CFR part 210).

(a) This part (together with the Financial Reporting Releases (part 211 of this chapter)) sets forth the form and content of and requirements for financial statements required to be filed as a part of:

(1) Registration statements under the Securities Act of 1933 (part 239 of this chapter), except as otherwise specifically provided in the forms which are to be used for registration under this Act;

(2) Registration statements under section 12 (subpart C of part 249 of this chapter), annual or other reports under sections 13 and 15(d) (subparts D and E of part 249 of this chapter), and proxy and information statements under section 14 of the Securities Exchange Act of 1934 except as otherwise specifically provided in the forms which are to be used for registration and reporting under these sections of this Act;

(3) Registration statements and annual reports filed under the Public Utility Holding Company Act of 1935

## § 210.1-02

## 17 CFR Ch. II (4-1-01 Edition)

(part 259 of this chapter) by public utility holding companies registered under such Act; and

(4) Registration statements and shareholder reports under the Investment Company Act of 1940 (part 274 of this chapter), except as otherwise specifically provided in the forms which are to be used for registration under this Act.

(b) The term *financial statements* as used in this part shall be deemed to include all notes to the statements and all related schedules.

(c) In addition to filings pursuant to the Federal securities laws, § 210.4-10 applies to the preparation of accounts by persons engaged, in whole or in part, in the production of crude oil or natural gas in the United States pursuant to section 503 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6383) (EPCA) and section 1(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796), as amended by section 505 of EPCA.

[37 FR 14593, July 21, 1972, as amended at 43 FR 40712, Sept. 12, 1978; 45 FR 63680, Sept. 25, 1980; 45 FR 63687, Sept. 25, 1980; 46 FR 36124, July 14, 1981; 50 FR 25214, June 18, 1985]

### § 210.1-02 Definitions of terms used in Regulation S-X (17 CFR part 210).

Unless the context otherwise requires, terms defined in the general rules and regulations or in the instructions to the applicable form, when used in Regulation S-X (this part 210), shall have the respective meanings given in such instructions or rules. In addition, the following terms shall have the meanings indicated in this section unless the context otherwise requires.

(a) *Accountant's report*. The term *accountant's report*, when used in regard to financial statements, means a document in which an independent public or certified public accountant indicates the scope of the audit (or examination) which he has made and sets forth his opinion regarding the financial statements taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed. When an overall opinion cannot be expressed, the reasons therefor shall be stated.

(b) *Affiliate*. An *affiliate* of, or a person *affiliated* with, a specific person is a person that directly, or indirectly

through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(c) *Amount*. The term *amount*, when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(d) *Audit (or examination)*. The term *audit* (or *examination*), when used in regard to financial statements, means an examination of the financial statements by an independent accountant in accordance with generally accepted auditing standards, as may be modified or supplemented by the Commission, for the purpose of expressing an opinion thereon.

(e) *Bank holding company*. The term *bank holding company* means a person which is engaged, either directly or indirectly, primarily in the business of owning securities of one or more banks for the purpose, and with the effect, of exercising control.

(f) *Certified*. The term *certified*, when used in regard to financial statements, means examined and reported upon with an opinion expressed by an independent public or certified public accountant.

(g) *Control*. The term *control* (including the terms *controlling*, *controlled by* and *under common control with*) means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(h) *Development stage company*. A company shall be considered to be in the development stage if it is devoting substantially all of its efforts to establishing a new business and either of the following conditions exists: (1) Planned principal operations have not commenced. (2) Planned principal operations have commenced, but there has been no significant revenue therefrom.

(i) *Equity security*. The term *equity security* means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or